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Attorneys for Defendant  
Randy W. Goldberg

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DISTRICT

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
RANDY W. GOLDBERG,  
Defendant.

**Case No. CR-07-00788-JF-7**  
The Hon. Jeremy Fogel

**EX PARTE APPLICATION FOR  
WAIVER OF DEFENDANT'S  
PERSONAL APPEARANCE**

The Defendant, Randy W. Goldberg, by and through his attorney, Ryan Roman (*pro hac vice* being prepared),<sup>1</sup> hereby applies to this Court for an Order under F.R.Cr.P. 43(c) waiving his personal appearance at the status hearing on

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<sup>1</sup> Counsel for Mr. Goldberg, Steven E. Chaykin, passed away unexpectedly on July 30, 2008 in a tragic hiking accident. Undersigned counsel is preparing the paperwork for admission *pro hac vice* in the Northern District of California at this time.

1 August 13, 2008. Please find a proposed Order attached.  
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5 Respectfully submitted,  
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23 Michael S. Simon, Esq.  
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**PROOF OF SERVICE BY E-MAIL OR ELECTRONIC TRANSMISSION**

STATE OF FLORIDA, COUNTY OF MIAMI-DADE

I am employed in the County of Miami-Dade, State of Florida; I am over the age of 18 years and not a party to this action. My business address is One S.E. 3<sup>rd</sup> Avenue, 25<sup>th</sup> Floor, Miami, Florida 33131-1714.

On August 12, 2008, I served the following document described as:

**EX PARTE APPLICATION FOR WAIVER OF PERSONAL APPEARANCE**

Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the documents to be sent to the persons at the e-mail addresses (or fax numbers, if email not provided) listed below:

Jeffrey David Nedrow, Esq., USAO Lead Attorney for Plaintiff <u>jeff.nedrow@usdoj.gov</u>	Edwin Ken Prather, Esq. Lead Attorney for Asaf Nass, Defendant <u>eprather@clarencedyer.com</u>
Garrick Sherman Lew, Esq. Lead Attorney for Limor Gefen <u>gsl@defendergroup.com</u>	Ronald Gainor, Esq. Lead Attorney/ <i>Pro Hac Vice</i> for Brandi C. Aycock
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Michael D. Orenstein, Esq. Lead Attorney to Matthew D. Sandomir <u>Phone: 954-963-0100; 954-963-2227</u>	Hugh Anthony Levine, Esq. Lead Attorney to Stuart H. Sheinfeld
<u><a href="mailto:halesq@ix.netcom.com">halesq@ix.netcom.com</a></u>	
Michael J. Sacks, Esq. Lead Attorney to Carol Haeussler <u>Phone: 954-575-8691; Fax: 954-575-8041</u>	Lara Suzanne Vinnard, Esq. Federal Public Defender
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Vicki H. Young, Esq. Lead Attorney to Eduardo A. Subirats <u><a href="mailto:vickihyoung@yahoo.com">vickihyoung@yahoo.com</a></u>	

I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

(State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

1 [X] (Federal) I am a member of the Bar for the State of Florida and am preparing an  
2 application for admission *Pro Hac Vice* in the Northern District of  
3 California. I declare under penalty of perjury under the laws of the  
4 United States of America that the above is true and correct.

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Executed on August 12, 2008, in Miami-Dade County, Florida.

s/Ryan Roman